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SUBJECT: QATAR: FIRST STEPS TOWARD THE FREEDOM TO ASSOCIATE

1. Summary. In the one year that has passed since the enactment of the Law for Societies and Private Foundations, only three private societies have received permission to form. Applicants for private status are critical of an application process that is lengthy, convoluted, and laden with restrictive requirements. While the numerous legal restrictions reflect a desire on the part of the government of Qatar to carefully control the growth of civil society organizations in the country, the fact that citizens now have the option to form professional associations can be seen as a nascent step toward democratic reform. End Summary.

The Law Regulating the Freedom of Association

2. Article 45 of the constitution provides for the "freedom to establish societies according to the conditions and circumstances to be laid down by the law." In May 2004, in fulfillment of this constitutional provision, the Emir approved Law No. 12 of 2004 to replace Law 8 of 1998. Law No. 12, the Law for Societies and Private Foundations, came into force on November 9, 2004. For the first time in Qatar's history, citizens were granted the right to establish professional associations and non-Qataris were conditionally allowed to join them. The law defines society as a group of persons coming together to perform humanitarian, social, cultural, scientific, professional or charitable activities. A professional association is defined as a society that encompasses persons of one profession. Since the enactment of Law No. 12 over one year ago, nineteen requests to form new societies and professional associations were submitted to the Ministry. Three requests were approved: a bar association, the Gulf Studies Center and a Japan-Qatar Friendship Association. The applications of journalists, engineers, teachers, doctors, accountants, oil engineers and others remain pending. They are either still under review at the Ministry or at the Cabinet for approval.

The Limits and Reach of the Law

3. The freedom to establish private societies and professional associations has been long anticipated and is considered by many as a positive sign of democratic reform in Qatar. However, Law No. 12 places limits on the freedom to form societies and associations, by imposing conditions on their establishment, management, functioning and finance, as well as prohibiting them from engaging in political matters. Further, the Ministry of Civil Service Affairs and Housing (Ministry), which issued the law, can disallow the formation of any society if deemed a threat to the public interest.

4. Those wishing to form professional associations must pay approximately \$14,000 in licensing fees and \$2,700 in annual fees. Permits are valid for three years, after which they must renew their license and pay the same fees. Those whose applications are rejected may appeal to the Minister of Civil Service Affairs and Housing. The Minister has thirty days to submit the complaint and his recommendation to the ministerial cabinet, which will make a determination. The decision of the cabinet is final and cannot be appealed to the courts. Finally, members of professional associations are barred from striking or issuing statements not related to their profession.

5. The law stipulates a minimum of twenty Qatari citizens over the age of 18 for establishing a society. The law allows for the participation of non-citizens in cases in which their participation is deemed necessary to the work of the organization. In those instances, the prime minister must approve their participation based on the recommendation of the minister of Civil Service Affairs and Housing, and the number of non-citizen participants cannot exceed twenty percent of the total membership of the society.

6. Societies must hold annual board of director meetings. Societies must provide the Ministry with seven days' notice before scheduling a general assembly meeting and the Ministry has the right to re-schedule the date of the meeting and to send a representative to attend it. If a general meeting is not convened, the law confers upon the Ministry the authority

to call one. The law also stipulates that the approval of the Ministry is required before a general assembly meeting can be held away from a society's headquarters. It prohibits members from discussing issues that are not on the agenda during general assembly meetings.

17. The law also gives the Ministry fiduciary oversight of societies and requires each society to provide the Ministry with a yearly report of its accounting records and budget. Further, societies cannot affiliate with groups outside Qatar, nor receive loans, grants or donations from foreign entities unless it has received written approval from the Ministry.

Over Simplification or Depoliticization?

18. In May 2005, in response to confusion over application procedures, the Ministry issued a decree intended to simplify the application process. The Minister authorized the issuance of a unified application form or "foundation document" for applicants to submit along with the other required or supporting documents. Prior to this decree, no form existed to collect or process all the required information. Some applicants say that the new form fails to take into consideration the diverse mandates and activities of professional associations by imposing the same strict requirements for all applicants. This is particularly the concern of lawyers and journalists wishing to form professional associations. They view the stipulation barring associations from engaging in political matters to be in direct conflict and injurious to the very purpose of their profession. They have raised this concern to the Minister and are awaiting his response. (Comment. The fact that the application for the journalists' association is still pending seems to indicate that the Ministry is still grappling with this issue. End Comment.)

One Year and Counting: Reactions to Law No. 12

19. In the year since the enactment of Law No. 12, Embassy officers met with numerous individuals and groups intent on forming professional associations to monitor their experience and progress in applying for a permit. Meetings were held with members from the bar association and Gulf Studies Center, both of which recently received approval to form private societies, and the journalists' association, whose application is still pending. The remarks of the applicants were echoed throughout the various meetings, as all seemed to share similar concerns and experiences.

110. Frustration with requirements that often seemed contradictory to the implied intent of the law and confusion over a process that was not always clear and straight forward were recurring themes. Applicants observed that some of the requirements for establishing societies and associations hampered the application process and warned that they would weaken the function and performance of professional associations. Some also maintained that the fees imposed for the establishment and renewal of professional associations had to be reconsidered, stating the fees were prohibitive.

111. Another issue presenting difficulties to applicants includes that of the participation of foreign nationals in these professional associations. The founding member of the journalists' association expressed concern that limiting membership on the basis of nationality would create hardship for associations such as his. Qatari journalists are hard-pressed to find the required twenty Qatari individuals needed to establish an association. They are further constrained by the cap of twenty percent for the membership of foreign nationals. The founding member of the journalists' association is requesting a waiver of this cap, arguing that in light of the limited number of Qataris in the field, the cap would make it difficult to organize under the law.

112. Notwithstanding criticisms of the law and its requirements, the applicants expressed their willingness to comply with its requirements in order to establish professional associations in Qatar. Some commented that the government is keen on having these societies and associations as they represent evidence of progress on their path towards democracy. Others highlighted the need for awareness campaigns to explain the activities of the associations and the advantages of membership to Qataris, stating that Qatari society is largely unaware of the need and purpose of civil society organizations.

What Next?

113. A recent discussion with the founding members of the

newly formed bar association provided insight into their goals and plans. When queried whether the bar association intended to have a voice in the drafting and enactment of legislation, the members observed that in general lawyers were never consulted on draft legislation. However, the members stated that pushing for the right of the bar association to be consulted in the drafting of new legislation and calling for legislative amendments topped the agenda of the new association.

Comment

14. The establishment of three private societies is clearly a positive step on Qatar's path to democratic reform. The fact that it has taken more than one year for three societies to receive permission to organize however, seems to indicate a wariness on the part of the government in pushing full steam ahead on this issue. Yet, it is also illustrative of the government's pattern to take a cautionary, if not a preventive approach, when drafting new legislation. The desire for political reform will be balanced with preserving the power of the ruling regime and protecting the rights of Qatari citizens. The government's commitment to establishing these private societies will be further tested in the coming months when the decisions are taken on the remaining applications.

MCGEHEE